

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAREN AKRE, a married person,

Plaintiff

vs.

COMPASS GROUP USA, INC., a Delaware
corporation doing business in Washington State;
d/b/a "Eurest Dining Services" d/b/a "Jet City
Café",

Defendants.

NO. 2:17-cv-01750-JLR

STIPULATED ORDER RE EXAMINATION
UNDER FEDERAL RULE OF CIVIL
PROCEDURE 35

The parties, by and through their respective attorneys, stipulate as follows:

Plaintiff has filed the above lawsuit for personal injury, and has placed her physical condition in controversy. Defendant has requested under Federal Rule of Civil Procedure 35 a medical examination by a medical doctor who practices in the field of orthopedics.

I. Stipulation

A Fed. R. Civ. P. 35 Examination is stipulated between the parties on the following terms and conditions:

1. A physical examination by Stanley Kopp, MD of Plaintiff Karen Akre shall take place as follows:

STIPULATED ORDER
RE Fed. R. Civ. P. 35 EXAMINATION- 1

KADISH TWERSKY LAW FIRM
2920 COLBY AVENUE, SUITE 102
Everett, WA 98201
(425)259-1841

1 Date: October 12, 2018
2 Time: 11:00 a.m.
3 Place: Chiropractic Associates of Everett
4 1819 100th Pl SE, Suite A
 Everett, WA 98208

- 5 2. Defendant has chosen the Examiner, who shall be Stanley Kopp, MD, a medical doctor.
6 Plaintiff has not participated in choosing the doctor.
- 7 3. The physical examination shall last no more than 90 minutes, and shall consist of a
8 typical physical examination by a doctor practicing medicine in the field of orthopedics.
 The doctor shall not opine beyond his field of expertise of orthopedics (including
 physical therapy and massage therapy).
- 9 4. Plaintiff shall be allowed to have a representative present at the examination. That
10 representative shall be allowed to video record and audio record the examination. There
11 shall be no other audio or video recording of the examination. The videographer will
12 remain in one position, and will not interfere with the examination. The Examiner shall
 not block the camera, or otherwise interfere with the video recording of the examination,
 and shall conduct all tests in such a way that the videographer shall be able to record
 each test and test result and measurement.
- 13 5. A curriculum vitae and fee schedule for the Examiner shall be delivered to Plaintiff's
14 attorney before the Fed. R. Civ. P. 35 examination begins. The Examiner shall make
15 written reports of the examination, and attorney for Defendant shall cause a copy of the
 report, to be delivered to Plaintiff's attorney no later than October 31, 2018, as set forth
 in the civil case schedule.
- 16 6. On or before the day that Defendant produces a copy of the Fed. R. Civ. P. 35 report,
17 Defendant shall provide Plaintiff's counsel with a copy of all documents provided to the
 Examiner.
- 18 7. A copy of this Stipulation shall be given to the Examiner before the examination takes
19 place, to apprise the Examiner of the terms and conditions limitations agreed to herein.
- 20 8. No questions shall be asked of the Plaintiff by the Examiner or staff related to
21 negligence or legal liability. This restriction does not limit inquiry into the physical
 dynamics of any alleged injury occurrence relevant to the Plaintiff's present condition or
 the Plaintiff's physical capacities.
- 22 9. No invasive tests, imaging, or painful tests shall be done by the Examiner.

STIPULATED ORDER
RE Fed. R. Civ. P. 35 EXAMINATION- 2

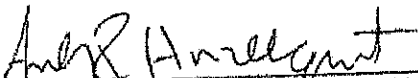
KADISH TWERSKY LAW FIRM
2920 COLBY AVENUE, SUITE 102
Everett, WA 98201
(425)259-1641


10. The above described Fed. R. Civ. P. 35 examination shall be the only physical examination allowed to Defendant in this lawsuit, so long as Plaintiff's current diagnosis does not change.

DATED this ____ day of September 2018.

Preg O'Donnell & Gillett PLLC

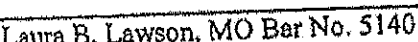
Kadish Twersky Law Firm


Amber R. Hazelquist, WSBA No. 41283
Attorney for Defendant


Jeffrey Twersky, WSBA No. 26581
Attorney for Plaintiff

Shook, Hardy & Bacon, LLP

MOORE LAW GROUP, PLLC


Laura B. Lawson, MO Bar No. 51401
Bailey J. Samuel, MO Bar No. 70051

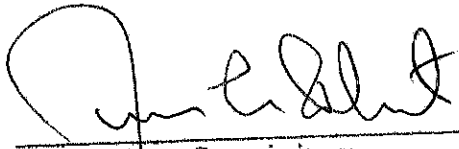
/s/ Joseph W. Moore
Joseph W. Moore, WSBA No. 44061
Attorney for Plaintiff

Order

The parties having stipulated and agreed,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Fed. R. Civ. P. 35 examination, and any future Fed. R. Civ. P. 35 examination of Plaintiff, shall proceed on the terms and conditions set forth above.

DATED this ^{October} ____ day of ~~September~~ 2018


Superior Court Commissioner

James L. Robert
United States District Judge

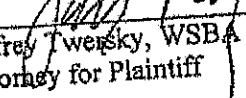
STIPULATED ORDER
RE Fed. R. Civ. P. 35 EXAMINATION-3

KADISH TWERSKY LAW FIRM
2920 COLBY AVENUE, SUITE 102
Everett, WA 98201
(425) 259-1841

1
2 Presented by:

3 Kadish Twersky Law Firm

MOORE LAW GROUP, PLLC

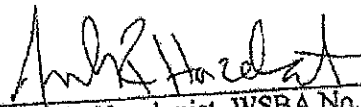
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5 
Jeffrey Twersky, WSBA No. 26581
Attorney for Plaintiff

/s/ Joseph W. Moore
Joseph W. Moore, WSBA No. 44061
Attorney for Plaintiff

6 Copy received; approved for entry:

7 Preg O'Donnell & Gillett PLLC

Shook, Hardy & Bacon, LLP

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9 
10 Amber R. Hazelquist, WSBA No. 41283
Attorney for Defendant

Laura B. Lawson, MO Bar No. 51401
Bailey J. Samuel, MO Bar No. 70051

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STIPULATED ORDER
RE Fed. R. Civ. P. 35 EXAMINATION- 4

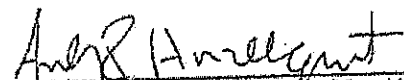
KADISH TWERSKY LAW FIRM
2320 COLBY AVENUE, SUITE 102
Everett, WA 98201
(425)250-1841

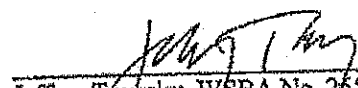
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DATED this ____ day of September 2018.

Preg O'Donnell & Gillett PLLC


Kadish Twersky Law Firm


Amber R. Hazelquist, WSBA No. 41283
Attorney for Defendant


Jeffrey Twersky, WSBA No. 26581
Attorney for Plaintiff

Shook, Hardy & Bacon, LLP

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Laura B. Lawson, MO Bar No. 51401
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/s/ Joseph W. Moore
Joseph W. Moore, WSBA No. 44061
Attorney for Plaintiff

Order

The parties having stipulated and agreed,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Fed. R. Civ. P. 35 examination, and any future Fed. R. Civ. P. 35 examination of Plaintiff, shall proceed on the terms and conditions set forth above.

DATED this ____ day of September 2018

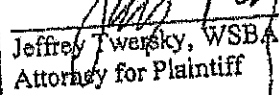
Superior Court Commissioner

STIPULATED ORDER
RE Fed. R. Civ. P. 35 EXAMINATION- 3

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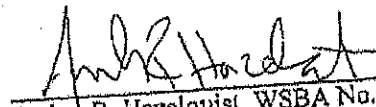
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2 Presented by:

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4
5 
Jeffrey Twersky, WSBA No. 26581
Attorney for Plaintiff

6 Copy received; approved for entry:

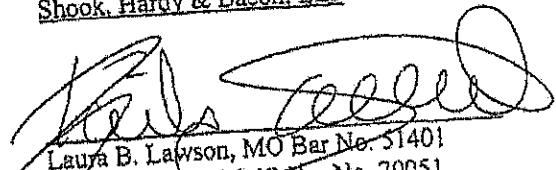
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10 Amber R. Hazelquist, WSBA No. 41283
Attorney for Defendant

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/s/ Joseph W. Moore
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STIPULATED ORDER
RE Fed. R. Civ. P. 35 EXAMINATION- 4

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